HIGH COURT OF CHHATTISGARH AT BILASPUR

Single Bench : Hon'ble Shri S.R.Nayak, C.J.

W.P. No. 5854/2005

PETITIONER **GIRISH KUMAR PATEL**
Son of Late Shri Kalachand Patel
Aged about 42 years, resident of Post Dhurkot, Tehsil Dabhara, District Janjgir Champa, (C.G.)

Versus

RESPONDENTS

1. **State of Chhattisgarh through Secretary, Department of Water Resource, DKS Bhawan, Raipur, CG**
2. **Collector, District Jangir Champa, CG**
3. **Naib Tehsildar, Tehsil Dabhra, District Janjgir Champa, CG.**
4. **Executive Engineer Water Resources, Construction Division, Baloda Bazar, District Raipur, CG.**

Present:- Shri Ayaz Naved, learned counsel for the petitioner

ORAL ORDER

(Passed on 12th December 2005)

Heard learned counsel for the petitioner.

The dispute brought before the Court arises out of an ordinary contract entered into between the firm of which the petitioner is partner and the respondents – authorities. Demands were raised by the respondents – authorities as far back as on 3.2.1989 and 10.5.1989. Apparently, there is factual controversy between the parties to the contract.

In that view of the matter, I am of the considered opinion that this is not a case where the Court should undertake adjudication of disputed facts and claims and resolve the same in a summarily proceeding under Article 226 of the Constitution of India. Therefore, the writ petition is dismissed reserving liberty to the petitioner to work out legal remedies before the jurisdictional civil Court or by way of arbitration if the contract between them provides for it.

Sd/-
Chief Justice

khan